



An
Bord
Pleanála

Inspector's Report

ABP-304489-19

Development	Two storey extension and dormer attic conversion to the rear.
Location	28 Brookwood Avenue, Artane, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4673/18
Applicant(s)	Paul & Derek Peppard.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Christopher Finnerty
Observer(s)	Ronnie Blinco Patricia Buckley Sean Haughey TD
Date of Site Inspection	31 st July 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located to the west of Brookwood Avenue at the junction with Brookwood Drive in an established residential area. The site comprises a 1950's two storey mid terrace dwelling. The site has no onsite parking and is bounded by a pedestrian footpath and green area to the front with the side boundaries consisting of a low wall and mature hedging.
- 1.2. To the rear the dwelling contains a single storey rear extension and 2 no. dormer windows within the rear roof slope. The rear garden area is bounded by a block wall and closed boarded fencing to neighbouring properties.
- 1.3. All garden areas of these terraced properties along Brookwood Avenue, Brookwood Drive and Brookwood Road back onto each other and have a rear lane access from Brookwood Road. A number of dwellings have been extended to the rear

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Two storey rear extension
 - Attic conversion.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to **Grant** permission subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The final planners report was consistent with the decision of the planning authority. Further information was requested in relation to the following items:
 - The exact location of the public sewer which crosses the site must be determined and a CCTV survey submitted.

- An overshadowing analysis demonstrating the impact of the proposed development on no. 26 and 30 Brookwood Avenue.
- Scale of box dormer was considered excessive; the applicant was requested to submit a scaled back proposal.

3.2.2. Other Technical Reports

- Drainage Division – additional information was requested in relation to the following:
 - Accurate location of sewer line under property to be determined and a CCTV survey carried out.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

2 no. submissions were received from neighbouring properties the issues raised are as those raised within the grounds of appeal.

4.0 Planning History

There is no recently recorded history for this site.

Relevant planning permissions on neighbouring sites:

- 5199/08 14 Brookwood Drive, permission was **granted** for proposed attic development, new dormer window on rear pitch of roof and "velux" window on front pitch of roof.
- 6067/04 42 Brookwood Avenue Permission was **granted** for attic conversion.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities.'

The following Sections of the plan are of relevance:

- Section 16.2.2.3 – Alterations and Extensions (General)
- Section 16.10.12 - Extensions and Alterations to Dwellings
- Section 17.3 - Residential Amenity Issues
- Section 17 - Privacy
- Section 17.6 - Daylight and Sunlight
- Section 17.11 – Roof Extensions
- **Appendix 17** – The guidelines contained within this section provide general advice and design principles for residential extensions

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

An appeal submission has been prepared by the appellant Mr. Christopher Finnerty whom resides in no. 26 Brookwood Avenue which adjoins the appeal site to the south east. The issues raised within the appeal can be summarised as follows:

- Design is inappropriate and out of keeping with area.
- Proposal is not in interest of orderly development and will impact on visual amenity of area.

- No boundary treatment will mask the visual impact of the proposal.
- Negative impact on residents has not been fully considered.
- Loss of light.
- Impact on value of property.
- Use of registered builder.
- Application was determined quickly.
- Drawing shown was not what was approved by DCC.

6.2. Applicant Response

- Application was processed within standard timelines.
- Drawing was draft.
- Contract will be awarded to an experienced builder.
- Shadow analysis was carried out and showed overshadowing was well below 20% threshold.
- In response to original objection the proposal was reduced from 4.66m to 3.75m.

6.3. Planning Authority Response

- None

6.4. Observations

Three observations were received, 2 no. from neighbouring properties and one from Sean Haughey TD, the issues raised can be summarised as follows:

- Overlooking.
- Parking.
- Development will not be a positive addition to area and will be out of character with the immediate surroundings.
- Overshadowing.

- Proposal will be injurious to residential amenity,

7.0 Assessment

7.1. The appeal site is located in an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities, the principle of residential development is accepted within this zoning objective. It is important to outline at the outset that further information was requested by the local authority and revised plans submitted and subsequently approved as a consequence. In the interest of clarity, it is the revised and approved plans that will be the subject of this assessment. The issues for consideration before the board are as set out within the grounds of appeal as follows:

- Visual impact
- Loss of light & overlooking
- Appropriate Assessment
- Other matters.

Visual Impact

7.2. It is contended by the appellant that the proposed development would be out of keeping with the character of the area and would not have any positive affect on the visual amenities of the area. It is proposed to construct a ground and first floor rear extension to the proposed dwelling, these elements of the proposal will extend c. 4.66m and 3.75m respectively from the rear building line of the property and are designed in a manner that reflects the character and proportions of the existing dwelling.

7.3. Section 16.10.12 of the Dublin City Development Plan requires domestic extensions to respect the form of existing buildings, and to integrate with existing buildings through the use of similar finishes and windows. It is also required within this Section of the plan that extensions appear subordinate to existing dwellings and are not overbearing. Given the limited projection of the ground and first floor elements of the proposal and the overall modest scale of the proposal, I consider that these elements of the proposal are in accordance with the requirements of the Dublin City Development Plan in this regard.

- 7.4. It is of further note that Appendix 17 of the plan states that in order for an extension to be determined as subordinate it must be no larger or higher than the existing dwelling. As set out above the proposed development is of modest scale and size and does not extend beyond the limits of the existing dwelling in any way. I therefore consider the proposal be a subservient form of development and therefore compliant in this regard.
- 7.5. In addition to the foregoing it is proposed to replace the existing dormer windows with a larger flat roof dormer in order to provide additional space at attic level. Section 16.2.2.3 of the Dublin City Development Plan 2016-2022 requires that alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will respect the uniformity of terraces or groups of buildings with a consistent roofline.
- 7.6. The proposed dormer is set below the existing ridgeline and back from the eaves of the roof slope and is positioned centrally within the rear roof slope. Given the overall scale and proportions of the proposed dormer, this element of the development also appears as a subservient addition to the dwelling and is not overly dominant within the existing roof slope. The proposal is therefore in accordance with the requirements of Section 16.2.2.3 of the Dublin City Development Plan and is therefore acceptable in this regard.
- 7.7. Overall, having regard to the modest scale and proportions of the proposed extension and the requirements of the Dublin City Development Plan for such types of development, I consider the proposal to be acceptable in terms of its visual impact.

Loss of light and overlooking

- 7.8. It is contended by the appellant that the proposed extension will result in a loss of light to his property. In addition, it is contended that the proposal will result in an unacceptable level of overlooking to surrounding properties and is therefore unacceptable in this regard. In response to the appellants concerns an overshadowing analysis was submitted in response to the local authority's request for further information.
- 7.9. The overshadowing analysis submitted demonstrates that there proposed development will result in 4% and 6% increase in overshadowing to properties on either side. The Dublin City Development Plan seeks to permit extensions where there is minimal impact on neighbouring dwellings in terms of loss of light. Given the limited

projection of the first floor of c. 3.75 metres from the rear building line and the orientation of the proposal facing south, I do not consider the minimal loss of winter morning light to be so significant so as to warrant a refusal. I therefore consider that the proposal will not significantly affect the amenities of adjoining properties and as such is acceptable in this regard.

7.10. It is also contended by the appellant that the proposed development would result in overlooking to their property. As noted above there are existing dormer windows within the dwelling. It is proposed to insert a frosted window within the first-floor western elevation of the proposed extension which would directly overlook the rear garden area of no. 26. Notwithstanding the proposal to install frosted glazing, I consider that the insertion of a window at this location would give a significant sense of overlooking to this dwelling. There is a large rear window proposed within this bedroom and as such there will be access to sufficient light and outlook for this room. If the board is of a mind to grant permission, I recommend that this frosted window is omitted by condition.

7.11. Overall, given the modest scale and proportions of the proposed extension and subject to the omission of the first-floor western window, I consider that the residential amenity of the surrounding properties and that of the appellant will be sufficiently preserved. I therefore consider the proposal to be acceptable in this regard.

7.12. **Appropriate Assessment**

7.13. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Other Matters

7.14. The appellant has raised matters within the grounds of appeal in relation to items such as the use of a registered builder, and the speed in which Dublin City Council determined the planning application. Whilst I note the appellants concerns in this regard, it is important to state that these are not matters that the Board can adjudicate on.

Conclusion

7.15. Overall the proposed development by virtue of its modest size, scale, design and proportions is in accordance with the requirements of the Dublin City Development Plan 2016-2022 and as such I consider the proposal to be in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed frosted glass window at first floor within the western elevation shall be omitted.

Reason: In the interest of residential amenity and proper planning

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of orderly development

Sarah Lynch
Planning Inspector

8th August 2019